IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

COMPANY APPLICATION No. 617 of 2006
In
COMPANY PETITION No. 216 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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CRACK DETECTIVES PVT. LTD. - Applicant(s)
Versus
O.L. OF KRISHNA PLASTOCHEM LTD. - Respondent(s)

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Appearance :
MRS SANGEETA N PAHWA for Applicant(s) : 1,
OFFICIAL LIQUIDATOR for Respondent(s) : 1,
MR JS YADAV for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 12/03/2007

ORAL JUDGMENT

1. Present Judges Summons has been filed by the

applicant, Crack Detectives Pvt. Ltd. for an appropriate order directing the Official Liquidator to relieve the applicant from providing the security services after settling the dues as per the order dated 01.05.2006 of this Court, passed in Company Application No.93 of 2006.

2. Shri Pahwa, learned Advocate appearing on behalf of the applicant has submitted that due to change in the policy with regard to appointment of Security Agency, it is not possible for the applicant to continue for providing security services in the State of Gujarat as the applicant is required to obtain the license and the applicant is not desirous of producing security services within the State of Gujarat and therefore, he is not desirous to obtain any license and if the license is not obtained, it will not be permissible for the applicant to provide security services. Shri Yadav, learned Advocate appearing on behalf of the Official Liquidator and the Official Liquidator, who is personally, present in the Court have submitted that necessary inventory has been carried out by them and they have no

objection if the applicant is relieved from providing security services for the company in liquidation. So far as the payment, due and payable to the applicant for providing security guards for the company in liquidation, the Official Liquidator has submitted his report dated 08.03.2007 and it is submitted that the applicant is entitled for Rs.2,24,100/- up to January 2007. It is further submitted that after considering and verifying the inventory and subject to adjustment of the amount, the said payment can be made within a period of 04 weeks from today. It is submitted that if, after considering the inventory, it is found that something is missing, in that case, the said amount is to be adjusted from the payment to be made to the applicant. For which, Shri Pahwa, learned Advocate appearing on behalf of the applicant has no objection subject to giving an opportunity by the Official Liquidator.

3. Considering above, the applicant is permitted to be relieved as Security Agency for protecting the properties of the company in liquidation w.e.f. 15.03.2007. The Official Liquidator is directed to

make alternative arrangement for protecting the properties of the company in liquidation immediately. So far as the payment to be made to the applicant is concerned, after considering the inventory and subject to the settlement of amount and adjustment from Rs.2,24,100/-, the Official Liquidation is directed to make payment of balance amount to the applicant within a period of one month from today. Before adjusting and deducting the amount, the Official Liquidator is to point out the same to the applicant and give an opportunity on producing further material for the period after January 2007, the Official is to consider the same and make the payment to the applicant within a period of one month from today.

4. With these directions, present application is disposed of. No costs.

[M.R.SHAH, J.]

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